

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

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PINKNEWS MEDIA GROUP LTD.

Plaintiff,

- against -

HERE PUBLISHING INC. d/b/a PRIDE
MEDIA, OREVA CAPITAL CORP.,
ADAM LEVIN, and DOES 1-50

Defendants.
-----x

Civil Action No.: 1-19-CV-05609

NOTICE OF CROSS-MOTION

PLEASE TAKE NOTICE that, pursuant to Rule 12, 55 and 60 of the Federal Rules of Civil Procedure and upon the accompanying Memorandum of Law in Support of Defendants' Cross-Motion, Declaration of Adam Levin, Declaration of Michael J. Kapin, Esq. and the exhibits attached thereto, and upon all prior papers, pleadings and proceedings in this case, the undersigned counsel for HERE PUBLISHING INC. d/b/a PRIDE MEDIA, OREVA CAPITAL CORP., and ADAM LEVIN (collectively "Defendants"), will bring the following cross-motion before the Honorable Analisa Torres, at the United States Courthouse, Southern District of New York, Daniel Patrick Moynihan United States Courthouse 500 Pearl St., Courtroom 15D, New York, NY 10007-1312, **at a date and time to be determined by this Court**, for an Order: (a) dismissing this action pursuant to Federal Rule of Civil Procedure 12(b)(1) and (5) for lack of subject matter jurisdiction and insufficient service of process; or, in the alternative, (b) denying Plaintiff's Order to Show Cause seeking a final judgment on default against Defendants; (c) Excusing Defendants' failure to timely answer or otherwise move against Plaintiff's Complaint;

(d) permitting Defendants to interpose an answer; and (e) awarding Defendants such other and further relief as this court deems is just.

Dated: New York, New York
June 19, 2020

Yours, etc.,

KAPIN PLLC
Attorneys for Defendants

/s/ Michael J. Kapin

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